

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICOLA COLELLA, on behalf of
himself and classes of those :
similarly situated, et al., : REPORT & RECOMMENDATION
:
Plaintiffs, : 12 cv. 6041 (GBD) (MHD)
:
-against- :
:
NEW YORK CITY TRANSIT AUTHORITY :
and MANHATTAN AND BRONX SURFACE :
TRANSIT OPERATING AUTHORITY, :
:
Defendants. :
-----x

4/6/15

TO THE HONORABLE GEORGE B. DANIELS, U.S.D.J.:

Defendants in this collective action brought under the Fair Labor Standard Act, 29 U.S.C. § 201 et seq., have moved to dismiss with prejudice two more opt-in plaintiffs for non-participation, Messrs. Luis Corretjer and John DeGaglia. (See docket nos. 142-44). Plaintiffs' counsel do not oppose this request. (See Letter dated April 2, 2015 [attached below]). For this reason, and for reasons delineated in our reports and recommendations dated December 2, 2014 and March 16, 2015 (docket nos. 114 & 140), we recommend that defendants' motion be granted.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file

written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable George B. Daniels, Room 1310, 500 Pearl Street, New York, New York, 10007-1312, and to the undersigned, Room 1670, 500 Pearl Street, New York, New York, 10007-1312. Failure to file timely objections may constitute a waiver of those objections, both in the District Court and on later appeal to the United States Court of Appeals. See 28 U.S.C. § 636 (b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); Thomas v. Arn, 474 U.S. 140 (1985); DeLeon v. Strack, 234 F.3d 84, 86 (2d. Cir. 2000) (citing Small v. Sec'y. of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989)).

Dated: New York, New York
April 6, 2015



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Notice of the foregoing Report & Recommendation has been provided to counsel through ECF.